

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In re :
 : Chapter 7
HERMAN SEGAL, :
 : Case No. 13-45519 (NHL)
Debtor. :
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**ORDER: (I) COMPELLING DEBTOR TO PRODUCE FOR INSPECTION
AND COPYING HIS EXTERNAL, ELECTRONIC STORAGE DEVICES
TO BE USED IN ACCORDANCE WITH THIS COURT'S
MEMORANDUM DECISION AND ORDER DATED JULY 31, 2015 AND
SUBSEQUENT RELATED ORDER DATED AUGUST 14, 2015; AND (II)
COMPELLING DEBTOR TO PROVIDE USERNAMES AND
PASSWORDS FOR ANY THIRD-PARTY MAINTAINED WEBSITES
WHERE THE DEBTOR HAS AN ACCOUNT AND THE ABILITY TO
STORE EMAIL AND ELECTRONIC FILES**

Upon the motion, dated April 30, 2015 [Docket No. 219] (the “Motion”) of Richard E. O’Connell, the Chapter 7 Trustee (the “Trustee”) for the estate of Herman Segal (the “Debtor”), for entry of an order (i) authorizing the Trustee to make forensic images of all electronic devices owned, used or controlled by the Debtor (collectively, the “Devices”), and (ii) establishing procedures for the Trustee’s use of the images (collectively, the “Images”); and upon the declaration of Fred Stevens, pursuant to 28 U.S.C. § 1746, in support of the Trustee’s motion to utilize the Images consistent with this Court’s Order with accompanying Memorandum Decision, dated July 31, 2015 (collectively, the “Imaging Order”) [Docket No. 260], authorizing the Trustee to make Images of the Devices and establishing the procedures for using those Images; and upon the Trustee’s request, dated August 24, 2015, that the Imaging Order be interpreted and/or expanded to include the Debtor’s obligation to produce all external electronic storage devices (the “Storage Devices”), and usernames and passwords to any accounts maintained by the Debtor on third party websites (or clouds) where the Debtor can store electronic files or electronic mail

including, but not limited to, Dropbox, Google Docs, Google Drive, Gmail, Yahoo! Mail and AOL Email (collectively, the “External Sites”); and upon the Imaging Order; and upon the subsequent order, dated August 14, 2015 (the “Second Imaging Order”) [Docket No. 265], authorizing the Trustee’s use of the Images in accordance with the Imaging Order; and hearings on the Motion and subsequent requests having been held by the Court on May 14, 2015, July 29, 2015, August 14, 2015 and August 27, 2015 (collectively, the “Hearings”); and upon the record of the telephonic Hearings; and the Debtor having had notice of each of the Hearings and an opportunity to be heard; and it appearing that no other or further notice is required; and after due deliberation and sufficient cause appearing therefore:

IT IS HEREBY FOUND AND DETERMINED THAT:

- A. On July 31, 2015, and August 14, 2015, this Court entered the Imaging Order and Second Imaging Order, respectively, which are incorporated herein by reference and made a part hereof.
- B. The intent and spirit of the Imaging Order and Second Imaging Order were to permit the Trustee limited access, as set forth in the Imaging Order, to all of the Debtor’s stored electronic files and information including those located on the Devices, Storage Devices and External Sites.

**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
THAT:**

1. Within one (1) day of the entry of the order, the Debtor shall:
 - a. produce for inspection and copying and permit Maragell, with offices at 2 Coleman Ave., Suite 201, Cherry Hill, New Jersey, 08034 (“Maragell”), to create bit-by-bit forensic images and/or such other true

and correct copies as needed of all Storage Devices, at the sole cost and expenses of the Debtor's estate (the "Storage Images"). Maragell shall make a duplicate copy of each Storage Image and provide one copy to the Debtor and retain the other in its offices; and

- b. provide to Maragell the username and password for each account held, owned or maintained by or for the Debtor on any External Sites ("External Site Accounts"). Maragell may make a digital copy of all data contained on each External Site Account (the "Site Images") or otherwise search, download or use the data on each External Site Account in a manner consistent with the mandate of the Imaging Order.

2. The Trustee's and Maragell's use of the Storage Images, Site Images and data stored in the External Site Accounts shall be done in strict compliance with the requirements of the Imaging Order.

3. This Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order.

**Dated: August 27, 2015
Brooklyn, New York**



Nancy Hershey Lord

**Nancy Hershey Lord
United States Bankruptcy Judge**